

CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

In Re the Matter of	)	CA 01-06
	)	
COMMUNITY PLANNING, INC. and	)	
BERNARD KEA,	)	
	)	
Respondents.	)	
_____	)	

CONCILIATION AGREEMENT

On or around October 2001, Robert Y. Watada, Executive Director for the Campaign Spending Commission ("Commission"), initiated an investigation of Respondents Community Planning, Inc. an engineering consultant company, located at 745 Fort Street, Suite 400, Honolulu, Hawaii and Bernard Kea, its president (collectively referred to as "Community"), pursuant to the express authority of section 11-193, Hawaii Revised Statutes ("HRS"), for a determination of whether the campaign spending law had been violated and a complaint would be submitted to the Commission.

NOW, THEREFORE, Community and the Commission, having entered into conciliation and pursuant to section 11-216(g), HRS, do hereby agree as follows:

- I. That the Commission has jurisdiction over Respondents and the subject matter of this administrative action.
- II. That this Conciliation Agreement ("Agreement") and upon complete performance of the conditions stated herein has the effect of remedial or corrective action taken by Respondents pursuant to section 11-216(g), HRS.

- III. That Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- IV. That Respondents waives the right to be heard at a public hearing conducted under chapter 91, HRS, pursuant to section 11-228(b), HRS.
- V. That Respondents enter into this agreement with the Commission on their own volition and with full knowledge and understanding.
- VI. That parties agree to the pertinent facts as follows:
  - 1. On or around October 2001, Robert Y. Watada, in his capacity as Executive Director of the Campaign Spending Commission, and upon information received through the disclosure statements of the Harris 2000 campaign committee, initiated an investigation involving excess contributions in violation of section 11-204(a)(3), HRS.
  - 2. Section 11-204(a)(3), HRS, reads in part as follows: No person, other than a candidate for the candidate's own campaign, or any other entity shall make contributions to:...A candidate seeking nomination or election to a four-year nonstatewide office or to the candidate's committee in an aggregate amount greater than \$4,000 during an election period.
  - 3. The election period for Jeremy Harris and the Harris 2000 campaign committee for Mayor of Honolulu include the period from November 6, 1996 to November 7, 2000.

4. For the Supplemental report filed on January 30, 1998, the Harris 2000 campaign committee reports a contribution of \$2,000 from Community, deposited on August 22, 1997.
5. For the Supplemental report filed on July 30, 1999, the Harris 2000 campaign committee reports a contribution of \$2,000 from Community, deposited on June 1, 1999.
6. For the Supplemental report filed on July 30, 1999, the Harris 2000 campaign committee reports a contribution of \$2,000 from Community, deposited on June 2, 1999.
7. That contributions aggregate to \$6,000 to the Harris 2000 campaign committee for the election period, an excess contribution of \$2,000.
8. Bernard Kea, acknowledges that an excess contribution of \$2,000 has been made to the Harris 2000 campaign committee in violation of section 11-204(a)(3), HRS.
9. The excess contribution in violation of section 11-204(a)(3), HRS, was not knowing, intentional, or reckless pursuant to section 11-229, HRS.
10. The excess contribution was a result of an error in bookkeeping records.
11. Community filed a valid Organizational report pursuant to section 11-196.5, HRS, for contributions made to the Harris 2000 campaign committee.

12. Community accurately filed preliminary, final and supplemental reports pursuant to sections 11-212 and 11-213, HRS, respectively.

VII. Settlement Terms

As final settlement of the matter and issues in the Conciliation Agreement #01-06, Community understands and agrees to the following:

- (A) Community agrees to an assessment of **Five hundred dollars (\$500)** pursuant to section 11-228, HRS.
  - (1) For violation of section 11-204(a)(3), HRS, making an excess campaign contribution to the Harris 2000 campaign committee.
- (B) Community agrees to comply with campaign finance statutes on contribution and expenditures for noncandidate committees.
- (C) Terms of payment of the assessment shall be by Order of the Commission.

VIII. The Commission upon its own motion or a written request of anyone filing a complaint under section 11-216, HRS, may review compliance with the agreement. If the Commission believes that the Agreement has been violated, it may institute administrative proceedings or a civil action in the Circuit Court of the First Circuit pursuant to section 11-228(c), HRS.

IX. This Agreement shall become effective as of the date that all parties have signed and the Commission has approved the entire agreement.

X. This Agreement constitutes the entire agreement between the Commission and Community on the matters raised herein, and no other statement, promise, or agreement, either in writing or oral, not contained in this Agreement made by either party or by agents of either party shall be enforceable.

XI. This Agreement, unless violated, shall be a complete bar to any further action by the Commission with respect to the violations at issue in this matter.

**FOR THE COMMISSION:**

Robert Y. Watada, Executive Director

By: \_\_\_\_\_

Date: \_\_\_\_\_

**FOR THE RESPONDENTS:**

Bernard Kea, President  
Community Planning, Inc.

By: \_\_\_\_\_

Date: \_\_\_\_\_

(Name)  
(Title)